

## **REMARKS/ARGUMENTS**

### **I. PRIOR ART MATTERS**

- A. The Office Action rejected claims 1-16 under 35 USC 102(e) as being anticipated by Bowser. Applicant respectfully traverses this rejection.

A single prior art reference anticipates a claimed invention only if it discloses each and every claim element.<sup>1</sup>

As to amended claims 1 and 8, Bowser not disclose: providing indicia in a separate electronic file for segmenting the electronic file into video segments in an electronic format to the computer and using the indicia to convert the file into video segments in a format suitable for distribution over the distributed network.

The only disclosure in Bowser as to segmenting a file is at Paragraph 47, where it is disclosed that the computer is programmed to user the total time of the digital video and to divide the time by the number of images or frames needed. This is totally different from Applicant's method, which uses an external file containing indicia to segment the file.

Claims 1 and 8 are therefore allowable.

Claims 2-7 and 9-16 contain additional elements or limitations beyond allowable claims and are also allowable.

Further as to claims 3 and 4 and 10 and 11, the Office Action has not shown that Bowser discloses identifying indicia comprising metadata including start and stop times.


Further as to claims 7 and 16, the Office Action has not shown that Bowser discloses content comprising a television news broadcast. The Office Action states that paragraphs [12] and [13] disclose this, but they do not.

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<sup>1</sup> *Structural Rubber Prod. Co. v. Park Rubber Co.*, 749 F.2d 707, 223 USPQ 1264 (Fed. Cir. 1984)

For the above reasons, Applicant respectfully requests the allowance of all claims and the issuance of a Notice of Allowance.

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